

114TH CONGRESS
2D SESSION

S. 3174

To establish an Interagency Council on Workforce Attachment to promote effective and coordinated workforce attachment strategies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

Mr. KING introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish an Interagency Council on Workforce Attachment to promote effective and coordinated workforce attachment strategies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Leveling Access to
5 Demonstrated Drivers of Employment Results Act” or the
6 “LADDER Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) COUNCIL.—The term “Council” means the
2 Interagency Council on Workforce Attachment es-
3 tablished in section 3.

4 (2) DISCOURAGED WORKER.—

5 (A) IN GENERAL.—The term “discouraged
6 worker” means an individual who is available
7 for and interested in employment, but who is
8 not in the labor force and is not looking for em-
9 ployment because that individual believes there
10 are no jobs available or no jobs available for
11 which that individual would qualify.

12 (B) DETERMINATION.—The determination
13 whether an individual is a discouraged worker,
14 for purposes of this paragraph, shall be made
15 in accordance with the criteria used by the Bu-
16 reau of Labor Statistics of the Department of
17 Labor in defining individuals as discouraged
18 workers.

19 (3) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means an entity that provides services to pro-
21 mote workforce attachment among one or more pop-
22 ulations with an employment barrier and that is one
23 or more of the following entities:

24 (A) A Federal agency.

25 (B) A State agency.

1 (C) A local agency.
2 (D) A nonprofit foundation, corporation,
3 institution, or association.

4 (E) A business.

5 (F) A partnership consisting of two or
6 more entities described in any of subparagraphs
7 (A) through (E).

8 (4) FEDERAL AGENCY.—The term “Federal
9 agency” has the meaning given the term “agency”
10 in section 551(1) of title 5, United States Code.

11 (5) INDIVIDUAL WITH A BARRIER TO EMPLOY-
12 MENT.—The term “individual with a barrier to em-
13 ployment” has the meaning given the term in section
14 3 of the Workforce Innovation and Opportunity Act
15 (29 U.S.C. 3102).

16 (6) POPULATION WITH AN EMPLOYMENT BAR-
17 RIER.—

18 (A) IN GENERAL.—The term “population
19 with an employment barrier” means a collection
20 of working-age individuals who face a challenge
21 in consistently maintaining full-time employ-
22 ment and who reside in the United States.

23 (B) INDIVIDUAL WHO FACES A CHAL-
24 LENCE IN CONSISTENTLY MAINTAINING FULL-
25 TIME EMPLOYMENT.—The term “individual who

1 faces a challenge in consistently maintaining
2 full-time employment” means an individual who
3 has been unemployed for at least 4 weeks dur-
4 ing the past year and who is a member of one
5 or more of the following populations:

6 (i) Individuals with a barrier to em-
7 ployment.

8 (ii) Individuals served under any of
9 the core programs, as defined in section 3
10 of the Workforce Innovation and Oppor-
11 tunity Act (29 U.S.C. 3102).

12 (iii) Veterans.

13 (iv) Individuals who are receiving as-
14 sistance through the low-income home en-
15 ergy assistance program established under
16 the Low-Income Home Energy Assistance
17 Act of 1981 (42 U.S.C. 8621 et seq.).

18 (v) Individuals who are receiving So-
19 cial Security Disability Insurance benefits
20 under title II of the Social Security Act
21 (42 U.S.C. 401 et seq.).

22 (vi) Individuals who are receiving
23 trade adjustment assistance under the
24 Trade Act of 1974 (19 U.S.C. 2101 et
25 seq.).

1 (vii) Individuals who are receiving
2 benefits through any State program funded
3 with qualified State expenditures as de-
4 fined in section 409(a)(7)(B)(i) of the So-
5 cial Security Act (42 U.S.C.
6 609(a)(7)(B)(i)).

7 (viii) Individuals who are receiving
8 workers' compensation.

9 (ix) Discouraged workers.

10 (x) Individuals who are enrolled in a
11 Medicaid Buy-In program established
12 under subclause (XIII), (XV), or (XVI) of
13 section 1902(a)(10)(A)(ii) of the Social Se-
14 curity Act (42 U.S.C. 1396a(a)(10)(A)(ii))
15 or under a Medicaid waiver approved
16 under section 1115 of the Social Security
17 Act (42 U.S.C. 1315).

18 (xi) Individuals who are enrolled in
19 Medicaid under section
20 1902(a)(10)(A)(i)(II)(bb) of the Social Se-
21 curity Act (42 U.S.C.
22 1396a(a)(10)(A)(i)(II)(bb)) in accordance
23 with sections 1619(b) and 1905(q) of the
24 Social Security Act (42 U.S.C. 1382h(b),
25 1396d(q)).

1 (xii) Any other group that faces a
2 challenge in consistently maintaining full-
3 time employment, as determined by the
4 Council.

5 (7) WORKFORCE ATTACHMENT.—The term
6 “workforce attachment” means placement and reten-
7 tion in employment that substantially improves the
8 financial security and self-sufficiency of a household.

9 **SEC. 3. ESTABLISHMENT.**

10 There is established in the executive branch an inde-
11 pendent establishment to be known as the Interagency
12 Council on Workforce Attachment.

13 **SEC. 4. MEMBERSHIP.**

14 (a) MEMBERS.—The Council shall be composed of
15 the following members:

16 (1) The Secretary of Agriculture, or the des-
17 ignee of the Secretary.

18 (2) The Secretary of Education, or the designee
19 of the Secretary.

20 (3) The Secretary of Health and Human Serv-
21 ices, or the designee of the Secretary.

22 (4) The Secretary of Housing and Urban Devel-
23 opment, or the designee of the Secretary.

24 (5) The Secretary of Labor, or the designee of
25 the Secretary.

1 (6) The Secretary of Transportation, or the
2 designee of the Secretary.

3 (7) The Secretary of the Treasury, or the des-
4 ignee of the Secretary.

5 (8) The Secretary of Veterans Affairs, or the
6 designee of the Secretary.

7 (9) The Commissioner of Social Security, or the
8 designee of the Commissioner.

9 (10) The Attorney General, or the designee of
10 the Attorney General.

11 (11) The Director of the Office of Management
12 and Budget, or the designee of the Director.

13 (12) The Chair of the Equal Employment Op-
14 portunity Commission, or the designee of the Chair.

15 (13) The heads of such other Federal agencies
16 as the Council considers appropriate, or their des-
17 ignees.

18 (b) CHAIRPERSON.—The Council shall elect a Chair-
19 person and a Vice Chairperson from among the members
20 of the Council. The positions of Chairperson and Vice
21 Chairperson shall rotate among Council members on an
22 annual basis.

23 (c) MEETINGS.—The Council shall meet at the call
24 of the Chairperson or a majority of Council members, but
25 not less often than 4 times each year, and the rotation

1 of the positions of Chairperson and Vice Chairperson re-
2 quired under subsection (b) shall occur at the first meet-
3 ing of each year.

4 (d) PROHIBITION OF ADDITIONAL PAY.—Members of
5 the Council shall receive no additional pay, allowances, or
6 benefits by reason of their service on the Council.

7 (e) ADMINISTRATION.—The Executive Director of
8 the Council shall report to the Chairperson of the Council.

9 **SEC. 5. FUNCTIONS.**

10 (a) GENERAL AUTHORITY.—The Council shall—

11 (1) facilitate the coordination of Federal pro-
12 grams and activities to promote workforce attach-
13 ment among populations with employment barriers;

14 (2) collect evidence of effective strategies to
15 promote workforce attachment among populations
16 with employment barriers at every level of govern-
17 ment and within the private sector;

18 (3) ensure the evaluation of the effectiveness of
19 strategies to promote workforce attachment among
20 populations with employment barriers by funding
21 demonstration projects;

22 (4) encourage the implementation of those
23 strategies that the Council identifies as effective—

24 (A) in the course of the review required
25 under subsection (b)(1);

- 1 (B) under subsection (c); or
2 (C) based on review of the final reports re-
3 ceived under subsection (e)(5)(A)(ii); and
4 (5) ensure the authorities described in para-
5 graphs (1) through (4) are implemented in a manner
6 that—
7 (A) utilizes available information supplied
8 by any prior or ongoing review, evaluation, or
9 demonstration regarding strategies to promote
10 workforce attachment among populations with
11 employment barriers;
12 (B) avoids duplicating any prior or ongo-
13 ing review, evaluation, or demonstration regard-
14 ing strategies to promote workforce attachment
15 among populations with employment barriers;
16 (C) supports individuals with an impair-
17 ment that is a disability under section 7(9)(A)
18 of the Rehabilitation Act of 1973 (29 U.S.C.
19 705(9)(A)); and
20 (D) addresses discrimination that individ-
21 uals described in subparagraph (C) may experi-
22 ence in the course of pursuing workforce at-
23 tachment.

24 (b) COORDINATION OF FEDERAL PROGRAMS AND AC-
25 TIVITIES.—The Council shall—

1 (1) review all Federal programs and activities
2 designed to promote workforce attachment among
3 populations with employment barriers;

4 (2) recommend to Federal and State agencies
5 such action as may be necessary to increase coordi-
6 nation and reduce duplication among such programs
7 and activities; and

8 (3) ensure the authorities described in para-
9 graphs (1) and (2) are implemented in a manner
10 that includes a review of, and issuance of rec-
11 ommendations related to, Medicaid Buy-In programs
12 described in section 2(6)(B)(x).

13 (c) REVIEW OF NON-FEDERAL PROGRAMS AND AC-
14 TIVITIES.—The Council shall, in coordination with the re-
15 view of Federal programs and activities required under
16 subsection (b)(1), review regional, State, and local pro-
17 grams and activities, whether public or private, designed
18 to promote workforce attachment among populations with
19 employment barriers, including identifying the effective
20 programs and activities.

21 (d) DISSEMINATION AND IMPLEMENTATION OF
22 FINDINGS.—

23 (1) STRATEGIC PLANS.—

24 (A) IN GENERAL.—Not later than 18
25 months after the date of enactment of this Act,

1 the Council shall develop, make available for
2 public comment, and submit to the President
3 and to Congress a National Strategic Plan to
4 Promote Workforce Attachment.

5 (B) ANNUAL UPDATES.—The Council shall
6 update annually the strategic plan described in
7 subparagraph (A). Such updates shall include
8 information relating to—

9 (i) Federal programs and activities
10 that the Council identifies as effective in
11 the course of the review required under
12 subsection (b)(1);

13 (ii) regional, State, or local programs
14 and activities that the Council identifies as
15 effective under subsection (c);

16 (iii) the strategies described in sub-
17 section (e)(1) that the Council identifies as
18 effective based on review of the final re-
19 ports received under subsection
20 (e)(5)(A)(ii); and

21 (iv) recommendations for appropriate
22 and necessary legislative and administra-
23 tive actions to improve the coordination
24 and effectiveness of Federal programs and
25 activities to promote workforce attachment

1 among populations with employment bar-
2 riers.

3 (2) ANNUAL REPORTS.—The Council shall pre-
4 pare and submit to the President and to Congress
5 an annual report that describes the accomplishments
6 and activities of the Council in working with Fed-
7 eral, State, and local agencies and public and private
8 organizations to promote workforce attachment
9 among populations with employment barriers.

10 (3) OTHER RESPONSIBILITIES.—The Council
11 shall develop joint Federal agency and other initia-
12 tives to fulfill the goals of this Act.

13 (e) DEMONSTRATION PROJECTS.—

14 (1) IN GENERAL.—Not earlier than the date of
15 submission of the strategic plan under subsection
16 (d)(1)(A), the Council shall award grants to eligible
17 entities to conduct demonstration projects designed
18 to develop, implement, and evaluate strategies to
19 promote workforce attachment among populations
20 with employment barriers.

21 (2) GRANT AMOUNT AND PROJECT DURA-
22 TION.—

23 (A) GRANT AMOUNTS.—The amount of a
24 grant described in paragraph (1)—

1 (i) shall not be less than \$100,000;

2 and

3 (ii) shall not be more than
4 \$100,000,000.

5 (B) PROJECT DURATION.—The duration of
6 a demonstration project described in paragraph
7 (1)—

8 (i) shall not be less than 4 years; and
9 (ii) shall not be more than 10 years.

10 (3) APPLICATION REQUIREMENTS.—The Council
11 shall require each eligible entity that seeks a
12 grant under this subsection to submit an application
13 to the Council that contains each of the following:

14 (A) A description of how, using the funds
15 provided under this subsection, the entity will
16 implement a strategy to promote workforce at-
17 tachment among one or more populations with
18 employment barriers, which shall include—

19 (i) the goals of the project involved;
20 (ii) the metrics to be used to assess
21 progress towards the goals of the project;
22 (iii) the strategy to be used in the
23 project;

1 (iv) evidence that the proposed strat-
2 egy can be expected to be effective at
3 achieving the goals of the project;

4 (v) the one or more target populations
5 to be served by the project;

6 (vi) the roles and responsibilities of
7 each entity involved in the project;

8 (vii) the project budget; and

9 (viii) the project timeline.

10 (B) A description of how the entity will co-
11 ordinate the development and implementation
12 of the project with any other programs and ac-
13 tivities promoting workforce attachment among
14 the one or more target populations.

15 (C) A description of how, using the funds
16 provided under this subsection, the entity will
17 enter into a contract with an independent third-
18 party evaluator that will conduct a statistically
19 valid evaluation of the strategy that allows for
20 strong causal inferences regarding the effect of
21 the strategy on the workforce attachment out-
22 comes of participants.

23 (D) A description of how the entity will ob-
24 tain the informed consent of the participants.

1 (E) A description of any Federal regu-
2 latory or statutory provision that would need to
3 be waived in order for the entity to implement
4 the project.

5 (4) CONSIDERATIONS IN AWARDING FUND-
6 ING.—In awarding funding for a demonstration
7 project (for which an application was submitted
8 under paragraph (3)), the Council shall consider
9 each of the following:

10 (A) The value of the project in promoting
11 the purposes described in subsection (a).

12 (B) The expected quality of the evaluation
13 to be conducted.

14 (C) The likelihood, based on evidence pro-
15 vided in the application, evaluations of prior
16 demonstration projects conducted by Federal or
17 State agencies, including a project carried out
18 under this subsection, and other evidence, that
19 the applicant entity, in collaboration with any
20 other participating entities, will achieve the
21 goals of the project.

22 (D) Whether the project builds upon effec-
23 tive regional, State, or local programs and ac-
24 tivities identified by the Council under sub-
25 section (c).

1 (E) The length of time required to com-
2 plete the project, including the evaluation of the
3 strategy used in the project.

4 (F) Whether the project avoids duplicating
5 a prior or ongoing demonstration project con-
6 ducted by a Federal or State agency.

7 (5) REPORTS.—

8 (A) INTERIM AND FINAL REPORTS.—An
9 entity that receives a grant to conduct a dem-
10 onstration project under this subsection shall
11 contract with an independent third-party eval-
12 uator that will submit to the Council—

13 (i) not later than 1 year after the
14 grant for the project has been approved,
15 and annually thereafter until the project is
16 concluded, a written report summarizing
17 the progress that has been made in devel-
18 oping, implementing, and evaluating the
19 project, including an interim assessment of
20 whether the strategy used in the project is
21 enabling the eligible entity to make
22 progress towards achieving the goals of the
23 project; and

24 (ii) not later than 2 months following
25 the completion of the evaluation of the

1 strategy used in the project, a written re-
2 port that includes an assessment of the
3 outcomes of the project, an analysis of fac-
4 tors that contributed to the success or fail-
5 ure of the strategy of the project, an anal-
6 ysis of the statistical validity of the results
7 of the evaluation, and suggestions for im-
8 proving the future implementation of simi-
9 lar workforce attachment strategies.

10 (B) AVAILABILITY THROUGH WEBSITE.—
11 The Council shall, not later than 30 days after
12 receipt of a written report pursuant to subpara-
13 graph (A), make the report publicly available on
14 a website of the Council.

15 (f) POWERS.—

16 (1) MEETINGS.—The Council may hold such
17 meetings, and sit and act at such times and places,
18 as the Council considers advisable to carry out this
19 Act.

20 (2) CONFERENCES.—The Council may arrange
21 such national, regional, State, and local conferences
22 as the Council considers advisable to carry out this
23 Act.

24 (3) DELEGATION.—Any member or employee of
25 the Council may, if authorized by the Council, take

1 any action that the Council is authorized to take
2 under this Act.

3 (4) INFORMATION.—The Council is authorized
4 to secure directly from any Federal agency such in-
5 formation as may be necessary to carry out this Act.
6 The head of each agency shall, to the extent auth-
7 orized by law, furnish such information directly to the
8 Council upon request made by the Chairperson.

9 (5) POSTAL SERVICES.—The Council may use
10 the United States mails in the same manner and
11 under the same conditions as other Federal agencies.

12 (6) SPACE FOR USE OF COUNCIL.—Not later
13 than 60 days after the date of enactment of this
14 Act, the Administrator of General Services shall sup-
15 port on a reimbursable basis the operations of the
16 Council, including by identifying and making avail-
17 able suitable space to house the Council. If the Ad-
18 ministrator is not able to make such suitable space
19 available within the 60-day period, the Council shall
20 lease space to the extent that funds are available.

21 (7) WAIVER RECOMMENDATIONS.—The Council
22 may offer recommendations to Federal agencies re-
23 garding regulatory and statutory requirements that
24 should be waived under agency waiver authorities,
25 under provisions other than this Act, in order to fa-

1 cilitate the conduct of particular demonstration
2 projects under subsection (e).

3 (g) PERSONNEL MATTERS.—

4 (1) DIRECTOR.—The Council shall appoint an
5 Executive Director at the first meeting of the Coun-
6 cil held under subsection (f)(1). The position of Ex-
7 ecutive Director shall be a Senior Executive Service
8 position, as defined under section 3132(a)(2) of title
9 5, United States Code.

10 (2) ADDITIONAL PERSONNEL.—With the ap-
11 proval of the Council, the Executive Director of the
12 Council may appoint and fix the compensation of
13 such additional personnel as the Executive Director
14 considers necessary to carry out the duties of the
15 Council. Additional personnel shall include—

16 (A) not fewer than 4, but in no case more
17 than 8, regional coordinators, each having re-
18 sponsibility for conducting reviews of non-Fed-
19 eral programs and activities under section 5(c)
20 and coordinating the activities of the Council
21 within the 4 regions of the Bureau of the Cen-
22 sus; and

23 (B) not less than 1 demonstration project
24 application evaluator, for applications submitted

1 under subsection (e), who shall have expertise
2 in evaluating social science research design.

3 (3) DETAILS FROM OTHER AGENCIES.—Upon
4 request of the Council, the head of any Federal
5 agency may detail, on a reimbursable basis, an em-
6 ployee of the agency to the Council to assist the
7 Council in carrying out this Act, and such detail
8 shall be without interruption or loss of civil service
9 status or privilege.

10 (4) EXPERTS AND CONSULTANTS.—With the
11 approval of the Council, the Executive Director of
12 the Council may procure temporary and intermittent
13 services under section 3109(b) of title 5, United
14 States Code.

15 (5) ADMINISTRATIVE SUPPORT.—Upon request
16 of the Council, the Administrator of General Serv-
17 ices shall provide to the Council, on a reimbursable
18 basis, the administrative support services necessary
19 for the Council to carry out its responsibilities under
20 this Act.

21 (h) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There are authorized to be
23 appropriated to carry out this Act such sums as may
24 be necessary for each of fiscal years 2017 through
25 2026.

1 (2) AVAILABILITY.—Any sums appropriated
2 under paragraph (1) shall remain available, without
3 fiscal year limitation, until expended.

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